

ARRANGEMENT OF CLAUSES

1. Short title
2. Amendment to section 3 of principal Act
3. Amendment to section 4 of principal Act
4. Amendment to section 9 of principal Act
5. Amendment to section 11 of principal Act
6. Amendment to section 13 of principal Act
7. Amendment to section 14 of principal Act
8. Amendment to section 15 of principal Act
9. Amendment to section 16 of principal Act



GRENADA

ACT NO. 26 OF 2016

I assent,



DANIEL CHARLES WILLIAMS

16th September, 2016.

Deputy to the Governor-General.

AN ACT to amend the Constitutional Referendum Act No. 25 of 2016, to clarify the date upon which a writ must be returned, how votes approving or disapproving a constitutional referendum question must be calculated and also to clarify the responsibilities of returning officers and the Supervisor of Elections.

[20th September, 2016].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Grenada, and by the authority of the same as follows—

1. This Act may be cited as the

Short title.

CONSTITUTIONAL REFERENDUM (AMENDMENT)
ACT, 2016,

and shall be read and construed as one with the Constitutional Referendum Act No. 25 of 2016, hereafter referred to as the “principal Act”.

Amendment to
section 3 of
principal Act.

2. Section 3 of the principal Act is amended by inserting the following new definitions in their appropriate alphabetical positions—

““rejected ballot paper” means a ballot paper which, on the constitutional referendum day, has been rejected by the presiding officer because—

- (a) it has not been supplied by the presiding officer;
- (b) it has not been marked for any answer to the constitutional referendum question;
- (c) it has been marked for more than one answer to the constitutional referendum question; or
- (d) there is any writing or mark upon it by which the voter can be identified but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any presiding officer by virtue of a specific provision of this Act or regulations made thereunder;”;

““spoiled ballot paper” means a ballot paper which, on the constitutional referendum day, has not been allowed by the presiding officer to be deposited in the ballot box because—

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- (a) it has been found by the presiding officer to be soiled or improperly printed; or
 - (b) after it has been handed by the presiding officer to an elector to cast his or her vote, it—
 - (i) has been inadvertently so dealt with by the elector that it cannot conveniently be used;
 - (ii) has been spoiled in marking by the elector,

and has been handed back to the presiding officer and exchanged for another ballot paper;”;

““unused ballot paper” means a ballot paper which, on the constitutional referendum day, was available for distribution to electors but was not distributed to any elector;”.

3. Section 4 of the principal Act is amended in subsection (5) by deleting the word “less” after the word “no” and substituting therefor the word “more”. Amendment to section 4 of principal Act.

4. Section 9 of the principal Act is amended by inserting after subsection (3) the following subsection— Amendment to section 9 of principal Act.

“(4) Where more than one constitutional referendum is held on one date, the Supervisor of Elections may allocate to one sheet of paper the ballot papers for more than one constitutional referendum.”.

Amendment to
section 11 of
principal Act.

5. Section 11 of the principal Act is amended as follows—

- (a) by repealing subsection (2) and substituting therefor the following new subsection—

“(2) The ballot papers, or the sheets of ballot papers for the purposes of section 9 (4),—

- (a) shall be numbered on the top of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil;
- (b) may be bound or stitched in books containing ten, twenty-five, fifty or one hundred ballot papers or sheets of ballot papers, as the case may be;
- (c) shall be affixed with an official mark of authentication, which may be a watermark or any other feature as the Supervisor of Elections deems it fit; and
- (d) shall be in a form as may be prescribed in Regulations.”;

- (b) by repealing subsection (3).

Amendment to
section 13 of
principal Act.

6. Section 13 of the principal Act is amended in subsection (1) (c) by deleting the words “excluding all spoilt

or rejected votes” and substituting therefor the words “from the total number of valid votes cast, excluding rejected ballot papers and spoiled ballot papers from the count”.

7. The principal Act is amended by repealing section 14 and substituting therefor the following new section—

Amendment
to section 14
of principal
Act.

“Statement of the poll from returning officers

14. Upon receipt of the result of the poll for a constitutional referendum from each polling station in his or her constituency, each returning officer shall—

- (a) prepare a written statement of the poll held in his or her constituency, which shall set out in relation to each polling division, polling station and the constituency as a whole the following—
 - (i) the number of electors who were eligible to vote in the constitutional referendum;
 - (ii) the number of ballot papers which were available for distribution to electors;
 - (iii) the number of electors whose names appear in the poll books as having been delivered a ballot paper;
 - (iv) the number of unused ballot papers;
 - (v) the number of rejected ballot papers;
 - (vi) the number of spoiled ballot papers;

- (vii) an ascertainment in writing that all ballot papers regarding the referendum were accounted for;
 - (viii) the total number of valid votes cast answering the constitutional referendum question in the affirmative and thereby approving the relevant constitutional amendment Bill;
 - (ix) the total number of valid votes cast answering the constitutional referendum question in the negative and thereby disapproving the relevant constitutional amendment Bill;
- (b) sign the statement of the poll; and
 - (c) send the signed statement of the poll to the Supervisor of Elections.”.

Amendment to
section 15 of
principal Act.

8. Section 15 of the principal Act is amended by repealing subsection (1) and substituting therefor the following new section—

“(1) The Supervisor of Elections, upon receipt of the statement of the poll for a constitutional referendum from all returning officers pursuant to section 14, shall—

- (a) prepare a certificate of the results of the constitutional referendum, which in relation to the whole State shall set out—
 - (i) the total number of electors who were eligible to vote in the constitutional referendum;

- (ii) the total number of ballot papers which were available for distribution to electors;
- (iii) the total number of electors whose names appear in the poll books as having been delivered a ballot paper;
- (iv) the total number of unused ballot papers;
- (v) the total number of rejected ballot papers;
- (vi) the total number of spoiled ballot papers;
- (vii) an ascertainment in writing that all ballot papers for the constitutional referendum question were accounted for;
- (viii) the total number of valid votes cast answering the constitutional referendum question in the affirmative and thereby approving the relevant constitutional amendment Bill and the percentage that this number represents in relation to the total number of valid votes cast for the Bill;
- (ix) the total number of valid votes cast answering the constitutional

referendum question in the negative and thereby not approving the relevant constitutional amendment Bill and the percentage that this number represents in relation to the total number of valid votes cast for the Bill;

- (b) sign the certificate of the result;
- (c) attach the signed certificate of the results to the writ; and
- (d) return the writ with his or her signed certificate of the results of the constitutional referendum endorsed on the writ.”.

Amendment to
section 16 of
principal Act.

9.—(1) The principal Act is amended by repealing section 16 and substituting therefor the following new section—

“Report of Supervisor of Elections

16. The Supervisor of Elections shall, immediately after the close of voting in a constitutional referendum, cause to be prepared a report that shall, in relation to each polling division and each polling station in each constituency, in respect of each constituency as a whole, and in respect of the State as a whole, set out—

- (a) the number of electors who were eligible to vote in the constitutional referendum;

- (b) the number of ballot papers which were available for distribution to electors;
- (c) the number of electors whose names appear in the poll books as having been delivered a ballot paper;
- (d) the number of unused ballot papers;
- (e) the number of rejected ballot papers;
- (f) the number of spoiled ballot papers;
- (g) an ascertainment in writing that all ballot papers for the constitutional referendum question were accounted for;
- (h) the total number of valid votes cast answering the constitutional referendum question in the affirmative and thereby approving the relevant constitutional amendment Bill and, in respect of the State as a whole, the percentage that this number represents in relation to the total number of valid votes cast for the Bill;
- (i) the total number of valid votes cast answering the constitutional referendum question in the negative and thereby not approving the relevant constitutional amendment Bill and, in respect of the State as a whole, the percentage that this number represents in relation to the total number of valid votes cast for the Bill;

- (j) such comments on the conduct of the constitutional referendum or referendums and other information as he or she deems relevant,

and which shall be a public document.”.

Passed by the House of Representatives this 2nd day of September, 2016.

ADRIAN FRANCIS
Acting Clerk to the House of Representatives.

Passed by the Senate this 9th day of September, 2016.

ADRIAN FRANCIS
Acting Clerk to the Senate.

GRENADA
